

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on October 6, 2008 in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:01 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes from the regular meeting held on September 17, 2008 and the special meeting held on October 2, 2008 were reviewed, approved and signed.

II. NEW APPLICATIONS

Charles Cambria for Solicitor/Canvasser License. (Verizon Fios telephone, TV, data)

Mr. Cambria called earlier in the day and requested a continuance to October 20, 2008 due to a scheduling conflict.

Continued to October 20, 2008 3/0.

Marcos Alvarado for Special One Day Wine and Malt Beverages License for a Fundraiser-Cancer Patient from 9P – 1A on October 18, 2008 at 1146 Main St.

Mr. Marcos Alvarado and Mr. Juan Vasquez were present.

Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for Country Band from

6P – 12 MN on October 11, 2008 in O'Neil Hall, 14 Wallace Ave.

Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for Jazz Brunch from

11A – 2P on October 12, 2008 in O'Neil Hall, 14 Wallace Ave.

Approved 3/0.

Late Filed Application from Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for ARC Dance from 4P – 8P on October 15, 2008.

Approved 3/0.

St. Joseph Parish for Special One Day All Alcoholic Beverages License from 7PM to 11:30PM for Monthly Dance on October 18, 2008.

Approved 3/0.

George R. Wallace Civic Center and Alice G. Wallace Planetarium d/b/a Facility Management Corporation for Change of Manager to Leo Croteau.

Tabled until CORI is received 3/0.

One Seventeen Corporation d/b/a Major's Café, 149 Lunenburg St. for Transfer of License and Change of Manager to Beloin Corp., Ellen Reffitt, Manager.

Atty. Damian Riddle and Ms. Ellen Reffitt were present. Referred to Public Hearing on October 20, 2008. 3/0

III. HEARINGS

Sage Restaurant Manager LLC d/b/a Courtyard Fitchburg, 150 Royal Plaza Drive for Alteration of Premises as follows:

Hotel /Conference Center/Water Park. On first floor inside main hotel area: meeting rooms, lounge, dining room, ballroom, hotel lobby, restaurant with seating for 120 patrons, bar with seating for 10 patrons and lounge area with occupancy of 100 persons, liquor storage per hotel plan on file with License Commission; On first floor adjacent to main hotel area: water park consisting of 35,144 square feet, water park to include snack bar and eating area with seating for 85 patrons, bar area with seating for 50 patrons and outdoor patio consisting of 1,430 square feet with seating for 35 patrons, main entrance and exit to water park is through the hotel; 350 guest rooms on other floors; trade center building on same premises

Atty. Karen Simao was present on behalf of Sage Restaurant Manager LLC. Diagram of altered premise was submitted. The Commissioners requested the occupancy number for the "Exterior Courtyard" be submitted to the clerk for inclusion on the paperwork for the ABCC. Atty. Simao agreed to submit that number. Application approved with the further description of the exterior courtyard yet to be received. 3/0.

IV. CONTINUED SUMMONS HEARINGS

Michelle Fife, Nu-Nu, Inc., 14, 16, 18 Putnam St. for failure to notify the Board of License Commissioners of New Officers/Directors for Nu-Nu, Inc.

Chairman Judge recused himself and left the room. No one was present on behalf of Michelle Fife or Nu-Nu, Inc.

License # 0394 00054 issued to Nu-Nu, Inc. was REVOKED by vote of 2/0 for the following reasons:

- 1. No Manager of Record;**
- 2. No notification to the Board that the establishment is closed;**
- 3. Establishment operating with person's unknown to the Board;**
- 4. Naming new President of Nu-Nu, Inc. without notification to the Board and providing false information regarding new President of Board;**
- 5. Mr. Steve Bailey came before the Board stating he was the new owner/manager of Nu-Nu, Inc., the Board was not informed of this by Nu-Nu, Inc.;**
- 6. Consistently not appearing at hearings to which they have been summoned;**
- 7. Consistently not responding to letters from the Board;**
- 8. Disregard of the License Commission Rules and Regulations and Chapter 138 of the MGL;**
- 9. No address for license as the licensee has been evicted from 14,16,18 Putnam St.**

Chairman William Judge returned to the room.

Jack Hoover, for Cancellation of License if licensee ceases to conduct business, License #0394 00049, 480 Water St.

Additional matter of outstanding 2007 and 2008 license fee.

NOTE: Although the following minutes of the action and vote taken by the Board are an accurate description of the proceedings, the action and vote are invalid due to the fact that the clerk erroneously placed this matter on the agenda for October 6 when in fact it should have been placed on the agenda for October 20. This error was discovered on October 7, 2008. Mr. Jack Hoover was delivered a summons to attend a hearing on October 20. Mr. Jack Hoover was not present at this meeting held on October 6, 2008. This matter will appear again on the agenda for October 20 and be reconsidered.

By vote of 3/0 the license # 0394 00049 was revoked for nonpayment of the 2007 and 2008 license fees and reference was made to MGL Chapter 138 Section 16B and Section 70.

V. OTHER

- Dr. Robert A. Hynes, Fitchburg State College, to discuss plans to offer Responsible Beverage Service trainings to licensees at the college

Discussion held with Dr. Robert Hynes. No action taken.

- Taxi Driver applications

Approved for two years: Ronald Cordio

- Any other matter that may come before the Commission as time permits

- 1. The clerk was instructed to summons in Mr. Fred Blake, Mr. Eric Hartwell and FPD Officer Antonio Pennetti regarding FPD Report # 08-29568.**
- 2. The clerk was instructed to place on the next agenda the following items:**
 - * Discussion regarding new regulation regarding compliance checks;**
 - * Discussion regarding a new license renewal checklist**

The meeting adjourned at 7:43 PM.

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault